

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 7, 2004

D042466 People v. Hollin

The finding Hollin inflicted great bodily injury on the victim is reversed. In all other respects the judgment is affirmed. Irion, J.; I Concur: Aaron, J., I Dissent (by opinion): Huffman, Acting P.J.

D043111 People v. West

The judgment is affirmed. McConnell, P.J.; We Concur: McIntyre, J., Irion, J.

D044580 In re Reginald N. et al. Juveniles

The appeal is dismissed. Irion, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D044625 In re Adriana H., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D044485 In re Ruben L., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: McConnell, P.J., Irion, J.

D041384 Gregovich v. Berger et al.

D042962 Gregovich v. Berger et al.

(consolidated) The petition for rehearing is denied.

D041384 Gregovich v. Berger et al.

D042962 Gregovich v. Berger et al.

(consolidated) The request for publication of the opinion is denied.

D044979 Gold v. Superior Court of San Diego County/Gold

The petition for writ of mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices McIntyre and Irion. The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 8, 2004

D044806 Driscoll v. Zures et al.

Pursuant to California Rules of Court, rule 8, the appeal filed July 26, 2004, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

D042805 People v. Rush

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D041833 Ruiz v. Sysco Food Services

The order denying the request for monetary sanctions is affirmed. The balance of the order denying appellant's petition to compel arbitration is reversed and the trial court is directed to enter a different order granting the petition in accordance with the views set forth in this opinion. Each party to bear its own costs. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D044929 Hoffman et al. v. Superior Court of San Diego County/Muehl et al.

The petition for writ of mandate has been read and considered by Presiding Justice McConnell and Associate Justices Aaron and Irion. The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 9, 2004

D044882 Sinclair v. Beck

The appellant having failed to timely pay the filing fee, the appeal is dismissed.

D044373 Veronica H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. The request for stay is denied. Haller, J.; We Concur: McConnell, P.J., Irion, J.

D043729 Adoption of Sheena M., a Minor

Judgment affirmed. Irion, J.; We Concur: McConnell, P.J., McIntyre, J.

D042769 Kassab v. Board of Trustees of the California State University et al.

The petition for rehearing is denied. The court also directs the appellant to the web address for the court: <http://www.courtinfo.ca.gov/courts/courtsofappeal/4thDistrictDiv1> for the minutes of oral argument held on July 14, 2004 for clarification of panel members.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 10, 2004

D044987 Silvia M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The notice of intent to file a writ petition, filed on September 8, 2004, is untimely. The case is dismissed.

D041375 People v. King

The \$2,000 parole restitution fine imposed under section 1202.45 is stricken. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy of the amended abstract to the Department of Corrections. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

D043918 Del Sol Development Corporation v. Wilson

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

Court convened at 9 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

Clerk: D E Moore

D043158 People v. DelPozo

Cause called on merits. Betty Haight, Esq. argued for appellant. Bob Foster, Deputy Attorney General argued for respondent. Cause submitted.

D043435 People v. Hudson

Cause called on merits. David Lamb, Esq. argued for appellant. Lilia Garcia, Deputy Attorney General argued for respondent. Mr. Lamb replied. Cause submitted.

D043731 Hansen v. Phillips

Cause called on merits. Dennis E. Fay, Esq. argued for appellant. Craig Gross, Esq. argued for respondent. Mr. Fay replied. Cause submitted.

D043503 Shackelford et al. v. The Ohio National Life Insurance

Cause called on merits. Linda Beth Oliver, Esq. argued for appellant. Art Salinas, Esq. argued for respondent. Ms. Oliver replied. Cause submitted.

D042139 Dinh et al. v. Tran

Cause called on merits. Leon J. Saad, Esq. argued for appellant. Greg Garrison, Esq. argued for respondent. Mr. Saad replied. Cause submitted.

Court recessed at 10:31 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

Clerk: D.E. Moore

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 10, 2004 (Continued)

D043605 Warburton/Buttner v. First Nation Gaming LLC

Cause called on merits. Albert H. Ebright, Esq. argued for appellant. Jaideep Venkatesan, Esq. argued for respondent. Mr. Ebright replied. Cause submitted.

D042108 Lawrence v. Frost Street Outpatient Surgical Center L.P.

Cause called on merits. Dwight F. Ritter, Esq. argued for appellant. John Morris, Esq. argued for respondent. Mr. Ritter replied. Cause submitted.

D043380 T.H. a Minor etc. v. San Diego Unified School District

Cause called on merits. John Morris, Esq. argued for appellant. Thomas S. Nelson, Esq. argued for respondent. Mr. Morris replied. Cause submitted.

Court recessed at 2:35 p.m. until Monday, September 13, 2004 at 9 a.m.

D042655 Conwell Shonkwiler & Associates v. City of San Diego

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.